

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
SECOND APPEAL NO.587 OF 2004

Shri Bhalchandra G. Pratham

...Appellant

v/s

Mrs Anita Pramod Tambe and anr.

...Respondents

Mr

A.A.

Garge

for

Appellant.

None

for

Respondents.

CORAM : **D.K. DESHMUKH J.**

DATE : **6TH JULY 2007.**

P.C.

:-

1. According to the appellant who is the original defendant, his entire statement should have been considered by the Courts below before treating only part of his statement as an admission. Perusal of the record shows that the Trial Court considered the same statement as admission given by the appellant that he had received the amount from the plaintiffs. According to the appellant, the second part of his statement shows that the plaintiffs had recovered that amount from the defendant but perusal of the appeal Court order shows that an argument was not advanced before the Appellate Court that the entire statement should have been seen. If the submission was not made before the first Appellate Court, it cannot be permitted to be raised before the Second Appellate Court. The appeal does not raise any substantial question of law. Appeal is rejected. In view of this order in appeal, civil application No.156 of 2007 does not survive for consideration. Civil application is disposed off.

. Parties to act on the copy of this order duly authenticated by the Sheristedar / Private Secretary as true copy.

. Certified copy expedited.
